

Original

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

copy

CHARLES ISELEY
AM-9320, 1 Kelley Dr.
Coal Twp., PA 17866
Petitioner,

1: CV-00.2186

v.s

KATHLEEN ZWIERZYNA, secretary
Pa. Bd. of Prob & Par.
1101 S. Front St., Suite 5300,
Harrisburg, PA 17104-2519
and

Civil Action No.

D. MICHAEL FISHER, atty. gen.
Office of Atty Gen., Strawberry Sq.
Harrisburg, PA 17120
and

FILED
SCRANTON
DEC 15 2000

DEPUTY CLERK

MARTIN HORN, secretary
Pa. Dept. of Cor., P.O. Box 998
Camp Hill, PA 17001,
and

RECEIVED
SCRANTON
DEC 13 2000

ALAN RUBENSTEIN, dist. atty.
Bucks County Ctrhs., 55 East Court St.,
Doylestown, PA 18901
and

MARY E. D'ANDREA, CLERK
PER DEPUTY CLERK

FRANK GILLIS, warden
1 Kelley Dr.
Coal Twp., PA 17866

Facts

1. Petitioner, Charles Iseley, is currently illegally imprisoned at Coal Township state prison. He is beyond the maximum expiration of his criminal terms which occurred in August of 1999.

2. On December 7, 1983, in the Common Pleas Court of Bucks County, petitioner received seven criminal terms. None of the terms were mandatory.

3. Six of the terms, five $7\frac{1}{2}$ to 15 year terms and a 1 to 2 year term, were ordered by the court to be served concurrently and petitioner was granted approximately eleven months credit for time served for the six terms, and each of them, and as a result the six terms began and took effect approximately in January of 1983 pursuant to Sec. 1360 of the Sentencing Code of 1974 and Pa. R. Crim. P. 1406(b)(c).

4. The seventh and last term, a 5 to 10 year term, was ordered to be served consecutive to all the concurrent terms and was ordered to begin and take effect at the minimum expiration of the six concurrent terms. Petitioner was granted approximately eleven months of credit for time served on this term and ergo petitioner had approximately nine years and one month left to be served on this term pursuant to Sec. 1360 of the Sentencing Code of 1974 and Pa. R. Crim. P. 1406(b)(c).

5. Consequently, petitioner was ordered to serve a maximum of 87 years ($5 \cdot 15 + 2 + 10 = 87$) and his aggregated sentence, pursuant to 42 Pa. C.S.A. 9757, was $12\frac{1}{2}$ to 25 years.

6. In 1985 petitioner should have received two years credit for serving the entirety of the 1 to 2 year term from January 1983 to January 1985.

7. In 1998 petitioner should have received 75 years credit for serving the entirety of each of the five $7\frac{1}{2}$ to 15 year terms ($5 \cdot 15 = 75$).

9. Thus, in 15 years, from 1983 to 1998, petitioner accrued 77 years of credit for all of the concurrent terms and in 10 years, January 1983 to December 1983 plus July 1990 to August 1999, petitioner accrued 10 years of credit for the 5 to 10 year term.

10. Consequently, the total credit was 87 years, which is exactly the maximum amount he was sentenced to serve ($5 \cdot 15 + 2 + 10 = 87$).

11. It is axiomatic that 15 years plus 10 years equals 25 years, which is exactly what petitioner's aggregated maximum term was — 25 years.

12. Nevertheless, petitioner remains in prison allegedly because, according to respondents, his 5 to 10 year term did not begin and take effect until July of 1998 — the maximum expiration of his concurrent terms.

13. However, the respondents' allegation is patently false because petitioner's sentence order for the 5 to 10 year term specifically and clearly states that it begin and take effect at the minimum expiration of the concurrent terms, which, of course, occurred in July of 1990 because January 1983 to July 1990 is $7\frac{1}{2}$ years.

14. Moreover, respondents averred, during an evidentiary hearing in the eastern district federal court, that when petitioner was reviewed for parole release in October of 1995 he was receiving initial review on all his terms and therefore, at that juncture, at least five years of credit had accrued on the 5 to 10 year term else petitioner would not have been eligible for parole release on that term until August 2002, if it did not start until July 1998, as respondents falsely claim.

15. The only term that petitioner could have been serving after January 1998 was the 5 to 10 term which at that time had already accrued approximately eight years and five months of credit.

Statement of Claims

Relief

Wherefore, petitioner respectfully requests the court for the following relief.

1. That an evidentiary hearing on the claims and any and all disputed issues of fact be granted forthwith.
2. That counsel be appointed to represent petitioner.
3. Permission to amend petition if necessary.
4. That summary relief be granted on any claims of error which are clear from the facts set forth in this pleading and the record.
5. Immediate release of petitioner and his effects from illegal imprisonment.

Respectfully submitted,

Date: December 11, 2000

Charles Elsey

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY
Petitioner,

1:CV-00.2186

v.

KATHLEEN ZWIERZYNA, et al.,
Respondents,

FILED
CORAMUS

DEC 1 2000

[Signature]

MEMORANDUM OF LAW IN SUPPORT OF PETITION

Statement of the Questions

Did petitioner's consecutive term commence in 1990?

Was petitioner sentenced to a total of 87 years and has that time expired?

Was petitioner sentenced to an aggregate maximum of 25 years and has that time expired?

Does the parole board (hereinafter, "PBPP") or the Department of Corrections (hereinafter "DOC") have the authority to modify a sentence?

~~Is~~ Is petitioner's sentence illegal?

Is petitioner's sentence legal?

Does a court have the authority to vacate an expired

Exhaustion

Petitioner has exhausted his state remedies. Accompanying this memorandum is Exhibit A which contains documents regarding only some of the matters he filed (he does not have records of the others he filed but he also filed in Commonwealth Court and made subsequent appeals).

Background

Petitioner hereby incorporates by reference the petition in this matter. Accompanying this memorandum is Exhibit B, which contains copies of petitioner's sentence orders and Exhibit C, which contains copies of relevant portions of petitioner's sentencing transcripts (petitioner's legal material was "lost" by prison officials so he does not have the entire record).

Argument 1: Petitioner's Consecutive Term Began in 1990

Petitioner's sentence order for the consecutive term clearly shows that it was to begin and take effect at the minimum expiration of all the concurrent terms which occurred in 1990.

Argument 2: Petitioner Received Terms Totalling 87 Years Which Has Expired.

As noted in the petition, petitioner served the entirety of the 87 years by accruing that amount of credit by August of 1999.

Argument 4: The PDPP & PCL Cannot Modify A Criminal Term

Only the trial court may modify a criminal term. Com v Ward, 568 A2d 1242 (Pa. 1990).

Argument 5: Petitioner's Sentence Is Illegal

The Trial court erred by directing that petitioner's consecutive term begin at the minimum expiration of the concurrent terms because imposing a partially concurrent and partially consecutive terms is illegal. Com v Ward, 568 A2d 1242 (Pa. 1990).

Argument 6: Petitioner's Sentence Is Legal

No where in the sentence statutes is a sentence structure such as petitioner's prohibited. See Com v Ward, 568 A2d 1242, 1244 note 6 (Pa. 1990).

Argument 7: A Court Cannot Vacate An Expired Term

It is axiomatic that a court cannot vacate an expired term and remand it back to trial court.

Argument 8: Petitioner Had Right To Ask Eligibility At Each Minimum

No where in the Pennsylvania statutes concerning sentence or parole is there any suggestion that a defendant with multiple sentences, whether concurrent or consecutive, is barred from becoming eligible for parole at the

Such an analysis was performed on Montana's parole statutes in Kelly v. Risley, 865 F.2d 201 (9th Cir. 1989), in a case factually similar to some of the elements of the case at bar, and that court concluded that a prisoner with consecutive terms had a liberty interest in becoming eligible for parole at each minimum.

In Pennsylvania it is well-established that a prisoner has a right to become eligible for parole at his minimum. Marshall v. Bd., 638 A.2d 451 (Pa. Cmwlth 1994). Pennsylvania's statutes are similar to Montana's. See Cunningham, supra; Merritt, supra; Hines, supra.

To bar prisoners from constructive parole is a violation of equal protection and due process.

Conclusion

Wherefore the court should grant the relief requested.

Respectfully submitted,

Date: December 11, 2000

Charles I. Seley
Charles I. Seley
AM-9320, 1 Kelley Dr.
Coal Tap, PA 17966

Original

IN THE UNITED STATES DISTRICT COURT
IN THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY,
Petitioner,

v.

KATHLEEN ZWICKZYN
Respondents.

1: CV-00.2186

FILED
SCRANTON

DEC 15 2000

PER 
DEPUTY CLERK

DECLARATION

I hereby declare under the penalty of perjury that the following is true and correct:

1. I have been in prison approximately eighteen years and have been unemployed longer than that.

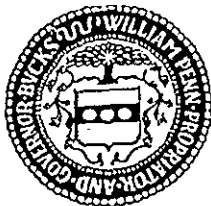
2. After making photocopies and paying for same I will have about ten to twenty dollars on my prison account which I require for personal hygiene items (soap, toothpaste, etc.) and stationery items (paper, carbon paper, writing utensils, envelopes, postage, etc.)

3. I do not own any stocks bonds, real estate or vehicles or precious metals or jewelry.

Date: December 11, 2000

Charles Iseley
Charles Iseley

Exhibit A



OFFICE of PUBLIC DEFENDER

Bucks County Administration Building
55 East Court Street
Doylestown, PA 18901

STEPHEN H. SHANTZ
Public Defender


1: CV - 00. 2186 (215) 348-6474
Fax (215) 348-6499

February 18, 1998

Charles Iseley
#9320
Box A
Belefonte, PA 16823

RE: Commonwealth v. Charles Iseley
1372-1376, 1512, 1576/83

FILED
SCRANTON
DEC 15 2000

PER 
CLERK

Dear Mr. Iseley:

Please be advised that a copy of your habeas petition dated December 18, 1997, has been forwarded to the Bucks County Public Defender's Office. Your petition has been forwarded by the Bucks County Court Administrator's Office. I am the chief of the unit within our office which handles issues involving sentence, probation, and parole.

To further assist you, I will need for you to clarify certain issues. First, I would like to give you a summary of the information that I have. If any of the information that I have is different than yours, please advise me in a follow-up letter.

At the time you entered your open guilty plea to the above-captioned criminal matters, you were represented by a Theodore Thompson, Esquire. You plead guilty to the above-captioned criminal informations where the underlying charges consisted of a robbery. On September 19, 1983, you entered your open guilty plea to the above-captioned criminal matters with sentencing to be set at a later date.

On December 7, 1983, the Honorable George T. Kelton imposed a sentence of seven and one-half to fifteen years on criminal informations 1372, 1373, 1374, 1375, 1513/83. All of those sentences were to be served concurrently with credit being given from January 31, 1983. A rough calculation would indicate that if you were paroled on your minimum that would be approximately July of 1990. However, if you were to serve the balance of your entire sentence and max out, the max date would appear to be January 31, 1998.

On criminal information number 1576/83, the Honorable George T. Kelton imposed a consecutive sentence of five to ten years. This occurred on December 7, 1983, and he gave

Page 2
Charles Iseley
February 13, 1998

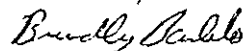
you credit for the time from January 22, 1983. I am not sure you will be able to receive credit on the consecutive case from January 22, 1983, as that time may have been eaten up and given credit to the case in which you were given a concurrent sentence.

In calculating your maximum and minimum dates, it is important that you include in a letter to me the date that you were actually paroled on all of the concurrent cases. The day that you were paroled on all of the concurrent, the new consecutive sentence of five to ten years would begin. I would then be in a much better position to advise you as to what the sentence would be.

If you were not paroled and maxed out on all of the concurrent cases, you would not begin to serve the time on 1576/83 until February 1 of 1998.

Please forward to me all the information you have as soon as possible in reference to your being granted parole in the concurrent cases. Your prompt response in this matter will be greatly appreciated. Once again please contact me by letter at the Office of the Bucks County Public Defender's, Bucks County Courthouse, Sixth Floor, Doylestown, PA 18901. I look forward to receiving this information and assisting you in this matter.

Very truly yours,



Bradley Bastedo
Senior Deputy Public Defender

BB:erv



OFFICE OF THE DISTRICT ATTORNEY
BUCKS COUNTY COURTHOUSE
DOYLESTOWN, PENNSYLVANIA 18901

DIANE E. GIBBONS
DISTRICT ATTORNEY
(215) 348-6344

August 28, 2000

Honorable Carol Sandra Moore Wells
United States Magistrate Judge
United States Courthouse
601 Market Street
Philadelphia, PA 19106

RE: Iseley v. Dragovich, Civil Action No. 99-4327

Dear Judge Wells:

For purposes of further clarifying the procedural record in the above-captioned case, I have enclosed a copy of the Order from the Pennsylvania Supreme Court denying Petitioner Charles Iseley's "Petition for Leave to File Allowance of Appeal Nunc Pro Tunc." A copy of this Order had been provided to your clerk on August 22, 2000. At that time, I had represented that this Order only referenced Petitioner's fourth PCRA petition. This Order, however, denied review of both Petitioner's fourth PCRA petition, as well as his state Writ of Habeas Corpus, originally filed in the Bucks County Court of Common Pleas in July 1998.

Therefore, there are no open or pending state proceedings involving Petitioner Iseley.

Should you need any further information or documentation, I can be reached directly at #215-348-6331.

Sincerely,

Karen A. Diaz
Chief Deputy District Attorney

cc: Patrick J. Egan, Esquire



Supreme Court of Pennsylvania Middle District

SHIRLEY BAILEY
CHIEF CLERK

January 14, 2000

434 MAIN CAPITOL BUILDING
P.O. BOX 624
HARRISBURG, PENNSYLVANIA 17108
(717) 787-6181
<http://www.courts.state.pa.us>

Charles Iseley
AM-9320
301 Morea Rd
Frackville, PA 17932

RE: COMMONWEALTH OF PENNSYLVANIA
RESPONDENT
V.
CHARLES ISELEY
RESPONDENT

NO. 0213 M.D. MISCELLANEOUS DOCKET 1999

Dear Counsel:

This is to advise that the attached order, a certified copy enclosed, has been entered in the above-captioned matter.

Very truly yours,

Office of the Prothonotary
Supreme Court of Pennsylvania

/lz
Attachment
C:

SUPERIOR 2790, 2791PHL98
Bucks
Alan M. Rubenstein, District Attorney
Karen Diaz, Esquire

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

COMMONWEALTH OF PENNSYLVANIA, : No. 213 M.D. Misc. Dkt. 1999.

Respondent :

v. :

CHARLES ISELEY, :

Petitioner :

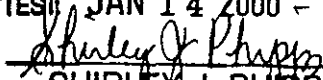
ORDER

PER CURIAM:

AND NOW, this 13th day of January, 2000, the Petition for Leave to File Allowance of Appeal Nunc Pro Tunc is denied.

TRUE & CORRECT COPY

ATTEST JAN 14 2000 -


SHIRLEY J. PHIPPS
APPELLATE CLERK

R: IFP

SUPREME COURT OF PENNSYLVANIA

06/13/00

DOCKET NUMBER 0635 M.D. ALLOCATUR DOCKET 1998

CHARLES ISELEY

PETITIONER

V.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS, PENNSYLVANIA BOARD OF
PROBATION AND PAROLE

RESPONDENTS

Letter "X" indicates an Appending Docket: ()

NATURE OF CASE: Asbestos [] / Other = [AGENCY-PROBATION/PAROLE]

DISPOSAL DATE:

CASE RESERVED:___ []

LOWER COURT INFORMATION

SUPERIOR/COMMONWEALTH COURT

Appellate Court Name: COMMONWEALTH

Court No.: 579MD98

Judgment Date: 06/24/1998

Rearg. Denied:

Judges: Per Curiam

Action: Dismissed Petition for Review

COURT OF COMMON PLEAS/AGENCY

Trial Court/Agency Name:

Court/Agency Date:

Division:

Court No.:

County:

Judges:

Judges Cont.

Action:

PAGE -2-

0635 M.D. ALLOCATUR DOCKET 1998

06/13/00

ATTORNEY(S) FOR PETITIONER

Charles Iseley
AM-9320
Box A
Bellefonte, PA 16823

Pro Se

ATTORNEY(S) FOR RESPONDENT

K. Scott Roy, Chief Counsel
PA BOARD OF PROBATION AND PAROLE
1101 S. Front St, Suite 5100
Harrisburg, PA 17104-2517
717-787-8126
PBPP

Sarah B. Vandenbraak, Chief Counsel
PA DEPT OF CORRECTIONS
2520 Lisburn Road, P.O. Box 598
Camp Hill, PA 17001
717-975-4864
Dept of Corrections

Arthur R. Thomas, Asst. Counsel
Pa Board of Probation & Parole
1101 S Front St, Ste 5100
Harrisburg, PA 17104-2517
717-787-8126
PBPP

PAGE -3-

0635 M.D. ALLOCATUR DOCKET 1998

06/13/00

SUPREME COURT INFORMATION

Filing Date of PAA: 07/20/1998

Date Rec'vd (w/postal):

Reproduced Record Received:

Respondent (1) - BIO or Letter Answer: No BIO Ltr (PBPP)

Filing Date: 08/12/1998

Date Received:

Respondent (2) - BIO or Letter Answer:

Filing Date:

Date Received:

Respondent (3) - BIO or Letter Answer:

Filing Date:

Date Received:

Disposition: DENIED

Date of Disposition: 12/29/1998

Parties Advised: 12/30/1998

Order: "AND NOW, this 29th day of December, 1998, the Petition for Allowance of Appeal is hereby DENIED". PC

Reconsideration Filed: - _____ **Received:** _____

Filing:

Disposition: _____ **Date of Disposition:**

Parties Advised:

Order:

Original Record Filed: _____ **Record Remitted:**

Number of Parts:

Notice of Filing Sheet Exited to Lower Courts: 01/25/1999

08/12/1998 - Praecipe for appearance of Arthur R. Thomas, received

J. S29023/99

COMMONWEALTH OF PENNSYLVANIA,
Appellee

v.

CHARLES ISELEY,

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 2791 Philadelphia, 1998

Appeal from the Order Entered July 27, 1998, in the Court
of Common Pleas of Bucks County, Criminal Division, at
No. 1513, 1576, 1241
1372-75/1983.

BEFORE: ORIE MELVIN, SCHILLER and HESTER, JJ.

MEMORANDUM:

: **FILED** MAY 25 1999

Charles Iseley appeals the July 27, 1998 order dismissing his petition for writ of habeas corpus. We affirm.

On July 19, 1983, after successfully withdrawing a first guilty plea, Appellant entered a second guilty plea to five counts of robbery involving five separate incidents. On appeal, we determined that Appellant's guilty plea had been knowingly and voluntarily entered and refused to allow him to withdraw it. **Commonwealth v. Iseley**, 615 A.2d 408 (Pa.Super. 1992). Appellant then filed three unsuccessful petitions for post-conviction relief.

On July 21, 1998, Appellant filed a *pro se* petition for habeas corpus relief. Although somewhat garbled, his complaints clearly relate to the manner in which the Pennsylvania Board of Probation and Parole (the "Board") determined when his sentence imposed in this matter has been served. On appeal, his complaints are the same.

J. S29023/99

Where an alleged error in the computation of sentence involves a decision by the Board, the defendant must file an action with the Commonwealth Court. ***Commonwealth v. LeGrande***, 567 A.2d 693 (Pa.Super. 1989); ***see also Commonwealth v. Hollawell***, 604 A.2d 723 (Pa.Super. 1992). Hence, it is clear that the court of common pleas lacked jurisdiction over the matter, and the trial court properly dismissed the petition. ***LeGrande, supra***. We therefore affirm.

Order affirmed.

Roy

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

98 JUN 25 PM 4:16

OFFICE OF CHIEF COUNSEL

CHARLES ISELEY,

Petitioner

v.

DEPARTMENT OF CORRECTIONS et
al.,

Respondents

No. 579 M.D. 1998

PER CURIAM

MEMORANDUM AND ORDER

Before this court in our original jurisdiction is a petition for review filed by petitioner, Charles Iseley, an incarcerated individual. Petitioner has also filed an application for in forma pauperis status.

In his petition petitioner alleges that the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole incorrectly aggregated two of his sentences.

Notwithstanding petitioner's constitutional claims, the law clearly permits aggregation. Section 9757 of the Judicial Code, 42 Pa. C.S. §9757, provides:

Whenever the court determines that a sentence should be served consecutively to one being then imposed by the court, or to one

previously imposed, the court shall indicate the minimum sentence to be served for the total of all offenses with respect to which sentence is imposed. Such minimum sentence shall not exceed one-half of the maximum sentence imposed.

This language has been held to be mandatory and to require aggregation of sentences imposed at different times by different courts. Gillespie v. Department of Corrections, 527 A.2d 1061 (Pa. Cmwlth. 1987), petition for allowance of appeal denied, 518 Pa. 614, 540 A.2d 535 (1988).

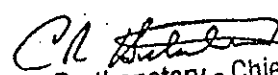
Based upon the foregoing, we conclude that petitioner's petition is frivolous within the meaning of Pa. R.C.P. No. 240(j). Therefore, we will dismiss this matter in accordance with that rule.

O R D E R

NOW, June 24, 1998, petitioner's application for in forma pauperis status is denied and the petition for review is dismissed.

CERTIFIED FROM THE RECORD
AND ORDER EXIT

JUN 25 1998


Deputy Prothonotary - Chief Clerk

J. S29022/99

| | | |
|-------------------------------|---|-----------------------------|
| COMMONWEALTH OF PENNSYLVANIA, | : | IN THE SUPERIOR COURT OF |
| Appellee | : | PENNSYLVANIA |
| | : | |
| v. | : | |
| | : | |
| CHARLES ISELEY, | : | |
| Appellant | : | No. 2790 Philadelphia, 1998 |

Appeal from the Order Entered May 15, 1998, in the Court
of Common Pleas of Bucks County, Criminal Division, at
No. 1372-75/83, 1513/83
1576/83, 1241/83.

BEFORE: ORIE MELVIN, SCHILLER and HESTER, JJ.

MEMORANDUM:

FILED MAY 18 1999

Charles Iseley appeals the May 15, 1998 order denying his fourth petition for post-conviction relief. We affirm.

On July 19, 1983, after successfully withdrawing a first guilty plea, Appellant entered a second guilty plea to five counts of robbery involving five separate incidents. On appeal, we determined that Appellant's guilty plea had been knowingly and voluntarily entered and refused to allow him to withdraw it. ***Commonwealth v. Iseley***, 615 A.2d 408 (Pa.Super. 1992). The Supreme Court denied further review. Appellant then filed three unsuccessful petitions for post-conviction relief.

On February 3, 1998, Appellant filed his fourth petition for PCRA relief. This appeal followed denial of that petition. Initially, we consider the timeliness of the petition. 42 Pa.C.S.A. § 9545, which became effective on January 16, 1996, pursuant to changes to the PCRA enacted in 1995, now provides that a PCRA petition is not timely unless it is filed within one year of

J. S29022/99

when a defendant's judgment of sentence becomes final. 42 Pa.C.S.A. § 9545 (b)(1). Appellant's judgment of sentence became final ninety days after he failed to ask the United States Supreme Court to review our Supreme Court's decision denying allowance of appeal in 1992. 42 Pa.C.S.A. § 9545 (b)(3) (judgment of sentence becomes final at conclusion of direct review or at expiration of time for seeking that review). Clearly, this petition was not filed within one year of 1992.

In a section of the act amending the PCRA, the legislature provided that where, as here, a defendant's judgment of sentence became final before the effective date of the amendments, his first PCRA petition will be considered timely if it is filed within one year of the effective date of the amendments. Act of November 17, 1995, P.L. 1118, No. 32 (Spec. Sess. No. 1) § 3 (1). This petition was not Appellant's first petition, and that section therefore does not apply. ***Commonwealth v. Alcorn***, 703 A.2d 1054 (Pa.Super. 1997).

42 Pa.C.S. § 9545 contains three exceptions to the filing requirements, but Appellant fails to indicate how this petition comes within those exceptions. Equally important, however, is the fact that Appellant's claims are not cognizable. Specifically, the statutory language in 42 Pa.C.S. § 9543(a)(2)(iii) now provides that in order to be eligible for PCRA relief, the petitioner's conviction or sentence must have resulted from a "plea of guilty unlawfully induced where the circumstances make it likely that the

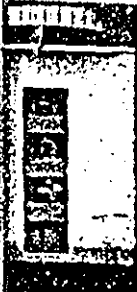
J. S29022/99

inducement caused the petitioner to plead guilty and the petitioner is innocent." 42 Pa.C.S. § 9543(a)(2)(iii) (emphasis added).

Appellant's contention is that since he was informed that his maximum sentence was 180 to 360 years when it actually was zero to 122 years, his plea was rendered involuntary. He also raises complaints about the manner in which the Board of Parole and Probation has treated his sentence. However, this issue may not be raised in a post-conviction petition. ***Commonwealth v. LeGrande***, 567 A.2d 693 (Pa.Super. 1989). Clearly, neither of these allegations concern Appellant's innocence, and they are not cognizable under the 1996 amendments to the PCRA. Hence, his PCRA petition properly was denied.

Order affirmed.

Exhibit B



PREPARED BY

BUCKS COUNTY
SENTENCE SHEET

OTR

ACCOMPANYING CASES

83-1372-1374
83-1372-1376
83-1372-1378
83-1372-1380

COMPLAINANT

NO.

23-873

JUDGMENT

CLERK

MOORE BY: *[Signature]*

D.A.

MOORE BY: *[Signature]*

PD/DET

MOORE BY: *[Signature]*

DATE

MOORE BY: *[Signature]*

BUCKS COUNTY PRISON

MOORE BY: *[Signature]*

On Information No.

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

STAY: PENITENTIARY

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

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On Information No.

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On Information No.

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

On Information No.

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

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the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

On Information No.

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

On Information No.

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

On Information No.

19

the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 18 months and stand committed until sentence is completed with 18 months and stand committed in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1806 (b) and (c).

1373-83

60.00 +

3.00 +

174.36 +

237.36

6.48 +

243.84

10.00 +

6.00 +

16.00 +

273.82

1

273.82

1

273.82

1

273.82

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273.82

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273.82

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273.82

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273.82

1

273.82

[Signature]

See Attorney a bench warrant is issued for the

Imposed on Information No. 19 is to expiration of the minimum sentence imposed on and, therefore, the sentence to be served of all offenses with respect to which sentence less than 18 years or a minimum of

19 defendant is directed to pay the cost

suspended.

to be a female

as a pre-sentence investigation

defendant to pay to cost of prosecution and fur-

confinement in the state industrial home for

not less than 18 years nor more

to be fed, clothed and treated in all respects

committed until the same be provided for by

time spent in custody as is provided for by

of 1974 and by Pa. Rule of Criminal Procedure

19 the Court finding that no unit(s)

SPECIAL PROVISIONS:

On Information No.

19

the Court finding that the defendant

is able to pay a fine and directs the defendant to pay the cost of

prosecution and a fine of the sum of \$ 271.08 to the Commonwealth for the

use of the (State Treasurer or the County of Bucks). The total fine and costs

are to be paid in

equal monthly installments.

Cost to Mo. of the release

83-1372

83-1374

83-1375

83-1373

Call for time served

271.08

1

Costs according to memo of release
Concurrent with

| | |
|----|--------|
| 83 | - 1241 |
| 83 | - 1372 |
| 83 | - 1373 |
| 83 | - 1375 |
| 13 | - 1513 |

From Credits for Time served

234.08

234.08

RECEIVED

PROBATION
Bucks County
SENTENCE SHEET
ACCOUNTING CASES: 83-1373
83-1374
83-1513
83-1514

COMMONWEALTH v. John J. Hall NO. 83-1373

JUDGE: C. J. Allen CLERK: A. M. Allen

D.A.: R. J. Holman NOTES BY: V. Allen

PD/DER: J. T. Hunkler

DATE: 11/11/99 George J. Allen

BUCKS COUNTY PRISON

On Information No. 19 the Court (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not less than 15 months and stand committed until sentence is complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1906 (b) and (c).

STATE PENITENTIARY

On Information No. 19 the Court (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the State Penitentiary for not more than 15 years in a State Correctional Institution as shall be designated by the Bureau of Correction and, therefore, sent to the Correction Diagnostic and Classification Center in Graterford, Pa., for this purpose. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1906 (b) and (c). Defendant is directed to stand committed until judgment be fully complied with.

AND

On Information No. 19 the defendant having waived his right to a speedy trial is released on probation for a period of 12 months upon the following conditions. Defendant is directed to pay court costs and make restitution in the sum of \$ 1000.00 within a period of 12 months, and shall follow all specific conditions as hereinafter set forth.

ON INFORMATION NO. 19

the defendant is released on probation for a period of 12 months under the supervision of the (Bucks County Probation Officer or State Parole Board) from the following conditions. Defendant to pay cost of prosecution and in lieu of a fine pay \$ 1000.00 for the use of the County of Bucks (and make restitution in the sum of \$ 1000.00 in monthly installments of \$ 83.33 by making payment to his probation officer) and abide by the rules and regulations laid down by his probation officer, obey the law in all other respects and stand committed until the same be complied with.

BENCH WARRANT

Upon motion of the District Attorney a bench warrant is issued for the attachment of John J. Hall

CONSECUTIVE SENTENCES

The sentence heretofore imposed on Information No. 19 is to begin and take effect at the expiration of the minimum sentence imposed on Information No. 19 and, therefore, the sentence to be served by the defendant for the total of all offenses with respect to which sentence is imposed is a minimum of not less than 15 years or a maximum of 15 years.

SUSPENDED SENTENCE

On Information No. 19 defendant is directed to pay the cost of prosecution and sentence is suspended.

SENTENCE - WOMEN - HUNNY

The Court finding the defendant John J. Hall to be a female over the age of 16 years, (having received or waived a pre-sentence investigation) orders and directs the defendant to pay the cost of prosecution and further directs that she undergo confinement in the state industrial home for women at Huncy, Pa., for a period of not less than 15 years and there to be fed, clothed and treated in all respects as provided by law and stand committed until the same be complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1906 (b) and (c).

GUILTY WITHOUT FURTHER PENALTY

On Information No. 19, the Court finding that no useful purpose would be served by imposing an order of probation, the Court hereby orders and directs the defendant to pay the cost of prosecution and imposes the sentence of guilty without further penalty.

FINE ONLY

On Information No. 19, the Court finding that the defendant is able to pay a fine orders and directs the defendant to pay the cost of prosecution and a fine in the sum of \$ 1000.00 to the Commonwealth for the use of the (State Treasurer or the County of Bucks). The total fine and costs are to be paid in 12 equal monthly installments.

SPECIAL PROVISIONS:

Costs within 6 mo of release
Commit. made 10-9-85
1000 credit for fine served
83-1373
83-1374
83-1375
83-1513
83-1514
188.36

PROS: OTM:
 SURCHARGE: BUCKS COUNTY ACCOMPANYING CASES: ES-1372-1373
 SENTENCE SHEET 1374-1375-1576
12/41

COMMONWEALTH V. Charles B. Blythe NO. ES-15137M

JUDGE: G. T. Weller CLERK: D. Weller

D.A. R. H. Hines NOTES BY: J. Hines

PD/DET T. Hines

DATE: 12/15/2000

BUCKS COUNTY PRISON

On Information No. 1513 the Court (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not less than 15 months and stand committed until sentence is complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1978 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

STATE PENITENTIARY

On Information No. 1513 the Court (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 7 1/2 years not more than 15 years in a State Correctional Institution as shall be designated by the Bureau of Correction and, therefore, sent to the Correction Diagnostic and Classification Center in Graterford, Pa., for this purpose. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1978 and by Pa. Rule of Criminal Procedure 1406 (b) and (c). Defendant is directed to stand committed until judgment be fully complied with.

ARD

On Information No. 1513 the defendant having waived his right to a speedy trial is released on probation for a period of 18 months upon the following conditions. Defendant is directed to pay court costs and make restitution in the sum of \$ 1375 within a period of 12 months, and shall follow all specific conditions as hereinafter set forth.

ON INFORMATION NO. 1513

the defendant is released on probation for a period of 18 months under the supervision of the (Bucks County Probation Officer or State Parole Board) from the following conditions. Defendant to pay cost of prosecution and in lieu of a fine pay \$ 1375 for the use of the County of Bucks (and make restitution in the sum of \$ 1375 in monthly installments of \$ 114.58 by making payment to his probation officer) and abide by the rules and regulations laid down by his probation officer, obey the law in all other respects and stand committed until the same be complied with.

BENCH WARRANT

Upon motion of the District Attorney a bench warrant is issued for the attachment of Charles B. Blythe

CONSECUTIVE SENTENCES

The sentence heretofore imposed on Information No. 1513 is to begin and take effect at the expiration of the minimum sentence imposed on Information No. 1513 and, therefore, the sentence to be served by the defendant for the total of all offenses with respect to which sentence is imposed is a minimum of not less than 15 years or a maximum of 15 years.

SUSPENDED SENTENCE

On Information No. 1513 defendant is directed to pay the cost of prosecution and sentence is suspended.

SENTENCE - WOMEN - HUNNY

The Court finding the defendant to be a female over the age of 16 years, (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and further directs that she undergo confinement in the state industrial home for women at Hunny, Pa., for a period of not less than 15 years not more than 15 years and there to be fed, clothed and treated in all respects as provided by law and stand committed until the same be complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1978 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

GUILTY WITHOUT FURTHER PENALTY

On Information No. 1513, the Court finding that no useful purpose would be served by imposing an order of probation, the Court hereby orders and directs the defendant to pay the cost of prosecution and imposes the sentence of guilty without further penalty.

FINE ONLY

On Information No. 1513, the Court finding that the defendant is able to pay the orders and directs the defendant to pay the cost of prosecution and fine in the sum of \$ 1375 to the Commonwealth for the use of the (State Treasurer or the County of Bucks). The total fine and costs are to be paid in equal monthly installments.

SPECIAL PROVISIONS:

Cash with 60 days of release
Consumed with
179-28
1375
99%
Commitment

PROS: OTM:
 SUNCHARGE: BUCKS COUNTY ACCOUNTING CASES: 8-1372-1373
SENTENCE SHEET 1374-1375-1376
12 41

COMMONWEALTH V. Charles A. Kelly NO. 15-1576

JUDGE: B. F. Walker C'ERK: D. J. [unclear]

D.A. R. G. [unclear] NOTES BY: D. J. [unclear]

PD/DET F. [unclear]

DATE: 12/15/03 Charles A. Kelly

BUCKS COUNTY PRISON

On Information No. 1576 the Court (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not less than 10 years in a State Correctional Institution as shall be designated by the Bureau of Correction and, therefore, sent to the Correction Diagnostic and Classification Center in Graterford, Pa., for this purpose. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

STATE PENITENTIARY

On Information No. 1576 the Court (having received or waived a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than 5 years not more than 10 years in a State Correctional Institution as shall be designated by the Bureau of Correction and, therefore, sent to the Correction Diagnostic and Classification Center in Graterford, Pa., for this purpose. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c). Defendant is directed to stand committed until judgment be fully complied with.

AND

On Information No. 1576 the defendant having waived his right to a speedy trial is released on probation for a period of 12 months upon the following conditions. Defendant is directed to pay court costs and make restitution in the sum of \$ 1000 within a period of 12 months, and shall follow all specific conditions as hereinafter set forth.

ON INFORMATION NO. 1576

the defendant is released on probation for a period of 12 months under the supervision of the (Bucks County Probation Officer or State Parole Board) from the following conditions. Defendant to pay cost of prosecution and in lieu of a fine pay \$ 1000 for the use of the County of Bucks (and make restitution in the sum of \$ 1000 in monthly installments of \$ 83 by making payment to his probation officer) and abide by the rules and regulations laid down by his probation officer, obey the law in all other respects and stand committed until the same be complied with.

BENCH WARRANT

Upon motion of the District Attorney a bench warrant is issued for the attachment of Charles A. Kelly

CONSECUTIVE SENTENCES

The sentence heretofore imposed on Information No. 1576 1983 is to begin and take effect at the expiration of the minimum sentence imposed on Information No. 1372 1972, and, therefore, the sentence to be served by the defendant for the total of all offenses with respect to which sentence is imposed is a minimum of not less than 12 1/2 years or a maximum of 23 years.

SUSPENDED SENTENCE

On Information No. 1576 defendant is directed to pay the cost of prosecution and sentence is suspended.

SENTENCE - WOMEN - HUNCY

The Court finding the defendant to be a female over the age of 16 years, (having received or waived a pre-sentence investigation) orders and directs the defendant to pay the cost of prosecution and further directs that she undergo confinement in the State Industrial Home for Women at Huncy, Pa., for a period of not less than 10 years nor more than 15 years and there to be fed, clothed and treated in all respects as provided by law and stand committed until the same be complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

GUILTY WITHOUT FURTHER PENALTY

On Information No. 1576, the Court finding that no useful purpose would be served by imposing an order of probation, the Court hereby orders and directs the defendant to pay the cost of prosecution and impose the sentence of guilty without further penalty.

FINE ONLY

On Information No. 1576, the Court finding that the defendant is able to pay a fine orders and directs the defendant to pay the cost of prosecution and a fine in the sum of \$ 1000 to the Commonwealth for the use of the (State Treasurer or the County of Bucks). The total fine and costs are to be paid in 12 equal monthly installments.

SPECIAL PROVISIONS:

On Information No. 1576, the Court finding that the defendant is able to pay a fine orders and directs the defendant to pay the cost of prosecution and a fine in the sum of \$ 1000 to the Commonwealth for the use of the (State Treasurer or the County of Bucks). The total fine and costs are to be paid in 12 equal monthly installments.
Consent to release 12-1-03
111-62
83-1372
83-1373
83-1374
83-1375
83-1513
83-1241

PROS: OTH:
 SURCHARGE: BUCKS COUNTY SENTENCE SHEET
 ACCOMPANYING CASES:

COMMONWEALTH V. Robert J. Kelly
 JUDGE: G. J. Kelly NO. 23-1041
 D.A. R. J. Kelly CLERK: D. Kelly
 PD/DEF T. J. Kelly NOTES BY: V. J. Kelly
 DATE: 12/7/83

BUCKS COUNTY PRISON

On Information No. 19, the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment in the Bucks County Prison for not less than not more than and stand committed until sentence is complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

STATE PRISON

On Information No. 1241, the Court (having received or waives a pre-sentence investigation) orders and directs that the defendant pay the cost of prosecution and undergo imprisonment for not less than years nor more than years in a State Correctional Institution as shall be designated by the Bureau of Correction and, therefore, sent to the Correction Diagnostic and Classification Center in Graterford, Pa., for this purpose. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c). Defendant is directed to stand committed until judgment be fully complied with.

ARD

On Information No. 19, the defendant having waived his right to a speedy trial is released on probation for a period of months upon the following conditions. Defendant is directed to pay court costs and make restitution in the sum of \$ within a period of months, and shall follow all specific conditions as hereinafter set forth.

ON INFORMATION NO. 19

the defendant is released on probation for a period of months under the supervision of the (Bucks County Probation Officer or State Parole Board) from the following conditions. Defendant to pay cost of prosecution and in lieu of a fine pay \$ for the use of the County of Bucks (and make restitution in the sum of \$ in monthly installments of \$ by making payment to his probation officer) and abide by the rules and regulations laid down by his probation officer, obey the law in all other respects and stand committed until the same be complied with.

BENCH WARRANT

Upon motion of the District Attorney a bench warrant is issued for the attachment of years.

CONSECUTIVE SENTENCES

The sentence heretofore imposed on Information No. 19 is to begin and take effect at the expiration of the minimum sentence imposed on Information No. 19 and, therefore, the sentence to be served by the defendant for the total of all offenses with respect to which sentence is imposed is a minimum of not less than years or a maximum of years.

SUSPENDED SENTENCE

On Information No. 19, defendant is directed to pay the cost of prosecution and sentence is suspended.

SENTENCE - WOMEN - HUNCY

The Court finding the defendant to be a female over the age of 16 years, (having received or waives a pre-sentence investigation) orders and directs the defendant to pay the cost of prosecution and further directs that she undergo confinement in the state Industrial Home for women at Huncy, Pa., for a period of not less than years nor more than years and there to be fed, clothed and treated in all respects as provided by law and stand committed until the same be complied with. Credit is to be given for all time spent in custody as is provided for by Sec. 1360 of the Sentencing Code of 1974 and by Pa. Rule of Criminal Procedure 1406 (b) and (c).

GUILTY WITHOUT FURTHER PENALTY

On Information No. 19, the Court finding that no useful purpose would be served by imposing an order of probation, the Court hereby orders and directs the defendant to pay the cost of prosecution and impose the sentence of guilty without further penalty.

FINE ONLY

On Information No. 19, the Court finding that the defendant is able to pay a fine orders and directs the defendant to pay the cost of prosecution and a fine in the sum of \$ to the Commonwealth for the use of the State Treasurer or the County of Bucks. The total fine and costs are to be paid in equal monthly installments.

SPECIAL PROVISIONS:

Commitment to State Prison to be released
made by the Court to other cases
Credit for time served

| | |
|--------------|---------------|
| 83-1372 | 23.00 |
| 83-1373 | 23.00 |
| 83-1376 | 23.00 |
| 83-1375 | 23.00 |
| 83-1513 | 23.00 |
| Total | 168.35 |

Exhibit C

1 with Mr. Iseley, we have a total of six armed
2 robberies, all weapons offenses where violence was
3 threatened or the victims were put in fear of their
4 life or safety.

5 We also have another offense which is of a
6 little more minor nature involving the State Trooper,
7 that is Number 1241 of 1983 where assaultive conduct
8 was taken against the State Trooper after a very
9 high speed, automobile chase but I address
10 particularly the weapons offenses, the robbery
11 offenses and I find in the Court's judgment that the
12 only appropriate method of treatment is by total
13 confinement for a fairly extensive period of time.

14 Now, the sentence of the Court in Mr.
15 Iseley's case and I will state what the total comes
16 out to and then I will illustrate how it is to be
17 broken down in a moment, but the sentence is for a
18 minimum of 12 and a half years in the state
19 correctional institution, and a total of a maximum
20 of 25 years in the state correctional institution,
21 and that is calculated as follows on the individual
22 sentences: Addressing first Number 1241 of 1983,
23 that is the offense involving the State Trooper, the
24 Court's sentence is for the defendant to undergo
25 imprisonment at the state correctional institution

1 and he shall be assigned to the state correctional
2 institution at Greaterford for purposes of further
3 assignment. The minimum sentence in this case is
4 for a period of not less than one year, the maximum
5 sentence is for a period of not more than two years.
6 The defendant is to pay the cost of prosecution
7 within six months after his date of final release
8 from confinement.

9 I am going to make no restitution order
10 in any of the cases. The defendants or this
11 defendant, Mr. Metzler I will come to later, each
12 will be facing a lengthy imprisonment term, in my
13 judgment it is not appropriate under that particular
14 circumstance to attempt to frame any kind of
15 restitution order because of the length of the
16 sentences.

17 It is the court's judgment in a
18 restitution order that that situation is counter
19 productive, would cause some defendants and perhaps
20 Mr. Iseley in this case to be tempted to use some
21 sort of improper illegal method of gaining money to
22 pay restitution in order to avoid a parole violation
23 that would encourage him to go back to the very kind
24 of life we are trying to not have here so I make no
25 restitution order.

1 Now, in the following cases, I am going to
2 impose concurrent prison sentences and I might state
3 that the sentence under Number 1241, 1983 is to be
4 concurrent with the following listed numbers, in
5 each of the following cases the defendant, Mr.
6 Iseley, is sentenced to undergo imprisonment at a
7 state correctional institution for a period of not
8 less than seven and a half years, nor more than 15
9 years, and for that purpose shall be assigned to the
10 state correctional institution at Greaterford,
11 Pennsylvania, for the purpose of classification and
12 assignment to the appropriate institution.

13 The cases in which that sentence is made
14 and they are all to be concurrent with each other
15 and also with Number 1241 of 1983, are the following
16 cases: Number 1272 of 1983, involving the
17 Geiger-Walker premises, Number 1373 of 1983,
18 involving the Knight and Dedonado premises, Number
19 1374 of 1983, involving the Kevin Michael Walker
20 premises, Number 1513 of 1983, involving the Mark
21 George incident at the First Pennsylvania Bank, and
22 finally Number 1375 of 1983, involving the incident
23 with Mr. Hamann at the Girard Bank.

24 The final sentence of the Court which is
25 intended to and shall be calculated to be

1 consecutive to the, all of the previous sentences
2 that I have stated is in the case of Number 1576 of
3 1983, that is involving the incident at the Collins
4 premises, in which the defendant Iseley and
5 defendant Metzler and defendant Austin were all
6 involved, the sentence of the Court there is that
7 the defendant undergo imprisonment at a state
8 correctional institution, for that purpose shall be
9 assigned to the state correctional institute at
10 Greaterford, Pennsylvania, for a period of not less
11 than five years nor more than ten years. In each
12 and all of the foregoing cases the defendant is to
13 pay the costs of prosecution within six months after
14 the date of his final release.

15 Gentlemen, are there any questions
16 concerning the mechanics of calculation of the
17 Iseley sentences? In general summary if my
18 arithmetic is correct, I calculate that the minimum
19 sentence is 12 and a half years, the maximum is 25
20 years, that is calculated as follows: We have one
21 to two years on the trooper offense, then on all of
22 the other offenses except Collins the sentence is
23 seven and half to 15 years, which is concurrent with
24 the trooper offense, and consecutive to that is the
25 sentence on the Collins offense.

1 assume the time served is sometime shortly after the
2 date of the Collins offense. I note on the
3 pre-sentence investigation report of Mr. Metzler
4 that it notes that credit time should be given from
5 January 25, 1983 to present, whether that is the
6 exact date or not I am not sure. I assume that they
7 were arrested --

8 MR. GOLDMAN: Iseley was one day
9 less.

10 MR. THOMPSON: The preliminary
11 arraignment, Your Honor, was 1:00 a.m. on January
12 22nd.

13 THE COURT: That would be the date of
14 custody?

15 MR. GOLDMAN: Metzler had one day on
16 the street.

17 THE COURT: For record purposes, in
18 all of Mr. Iseley's cases he should be given credit
19 for time served since January 22, 1983 as against
20 all of the sentences imposed. I assume the date is
21 January 23 then, is that correct?

22 MR. BRILL: I don't know what the
23 date is.

24 THE COURT: We will make it for
25 record purposes as January 22, 1983. We will make